

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TIMOTHY TERRELL,)	CASE NO.1:17CV2388
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
Vs.)	
)	
DR. THOMAS TALLMAN, ET AL.,)	<u>OPINION AND ORDER</u>
)	
Defendant.)	

CHRISTOPHER A. BOYKO, J:

This matter is before the Court on the Report and Recommendation of the Magistrate Judge that Plaintiff's claims be dismissed without prejudice for lack of service. (ECF # 16). There being no objections, the Court accepts and adopts the Magistrate Judge's Report and Recommendation and dismisses the above-captioned case without prejudice subject to refiling.

As outlined in the Report and Recommendation, Plaintiff Timothy Terrell, proceeding *pro se*, filed his Complaint in this Court against Defendants Medical Department of the Cuyahoga County Correctional Center, MetroHealth Systems, Dr. Thomas Tallman, Dr. Rekha Ujla, Marcus Harris, the Cuyahoga County Medical Director, the Medical Director the Ohio Department of Rehabilitation and Corrections, the Director of the Cuyahoga

Correctional Center, Nurse Lori True and Dr. Alan Gatz for failure to provide necessary treatment and medications for his blood disorder while he was a pretrial detainee at the Cuyahoga County Jail.

On March 28, 2018, the Court dismissed all Defendants except Drs. Tallman and Gatz. However, the record reflects that service was never completed upon these two remaining Defendants. On July 17, 2018, the Court issued to Plaintiff a show cause order why the remaining Defendants should not be dismissed for failure to serve them within the time constraints of Fed. R. Civ. P. 4(m). The show cause order required Plaintiff to establish good cause for failure to serve Defendants or face dismissal. Plaintiff failed to respond as he never informed the Court of his change of address.

The Magistrate Judge recommends dismissal because Plaintiff never established good cause for failing to serve Defendants. Service was attempted on Defendants by the U.S. Marshall Service on March 29, 2018, but was returned unexecuted. Plaintiff was alerted to the fact that service was not obtained on Defendants due to incorrect addresses and was informed by the Court that he needed to provide the Court with the correct addresses of Defendants. The record reflects Plaintiff received this notice but never responded and appears to have made no efforts to serve Defendants within the 90 day service period under Rule 4(m).

Plaintiff was subsequently hospitalized but made no efforts, even months later, to update his address or serve Defendants. Plaintiff only updated his address after the Magistrate Judge issued his Report and Recommendation. The Court reissued the R & R to Plaintiff at his new address and extended his time to object yet now, over a year since he filed his Complaint, Plaintiff has still failed to offer any explanation for lack of service and has not

objected to the Magistrate Judge's recommendation.

Therefore, because Plaintiff has failed to show good cause for failure to serve Defendants and has failed to timely object to the Magistrate Judge's Report and Recommendation, the Court adopts the recommendation and dismisses the above-captioned case without prejudice subject to refiling.

IT IS SO ORDERED.

s/ Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

Dated: January 18, 2019